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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,420	07/10/2001	Stephen C. Hilla	112025-0476	7670
24267	7590	12/28/2005	EXAMINER	
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			TO, JENNIFER N	
			ART UNIT	PAPER NUMBER
			2195	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/902,420	HILLA ET AL.	
	Examiner	Art Unit	
	Jennifer N. To	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pended for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter in which the applicant regards as his invention.

3. Claims 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lacks antecedent basis:

- i. the method – claims 19, 20;

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, and 5-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (hereafter Lin) (U.S. Publication No. 20020073211), and in view of Wolff (U.S. Patent No. 6886035).

6. As per claim 1, Lin teaches the invention substantially as claimed including a load balancing system for distributing tasks to processor resources of a processor pool (paragraphs 31-32), the system comprising:

a memory with a region organized into at least one memory block, each memory block configured to store session (figs. 3, 5; paragraph 38);

an interface for coupling the memory to the processor resource, whereby the processor resource accesses the at least one memory block to update information associated with the session (figs. 1, 3,4, paragraphs 38, 43); and

an access monitor coupled to the interface, wherein the access monitor recognizes, tracks, and collects statistics associated with the session (fig. 3; paragraphs 46-47, 65).

Lin did not specifically teach recognizes and tracks memory cycles associated with the at least one memory block during a specified period of time; and a central resource arranged to receive the statistics from the access monitor, and in response thereto, to assign tasks to the processor resource.

7. However, Wolff teaches recognizes and tracks memory cycles associated with the at least one memory block during a specified period of time (figs. 2A-3B; col. 11, lines 25-43; col. 12, lines 1-10); and a central resource arranged to receive the statistics from the access monitor, and in response thereto, to assign tasks to the processor resource (figs. 2B-3A; col. 12, lines 1-57).

8. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Lin and Wolff because Wolff teaching of recognizes and tracks memory cycles associated with the at least one memory block during a specified period of time; and a central resource arranged to receive the statistics from the access monitor, and in response thereto, to assign tasks to the processor resource would improve the integrity of Lin's system by removing the bottlenecks and disadvantages associated with current distributed networks (Wolff, col. 2, lines 25-26).

9. As per claim 2, Lin teaches the logic for recognizing a new session and designating a memory block for that session (fig. 5, paragraphs 44, 47).

10. As per claim 3, Lin teaches:

memory address logic that recognizes address fields defining the memory blocks (fig.5);

a session table with activity information entries associated with each session (page 5, paragraph 44).

Wolff teaches a memory logic that recognizes memory cycles being executed on the memory blocks (fig. 14; col. 64, lines 8-47).

11. As per claim 5, Lin teaches that when the specified period of time elapses, the session table is clear (fig. 9, paragraphs 66-67).

12. As per claims 6-20, they are rejected for the same reasons as claims 1-3, and 5 above.

13. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (hereafter Lin) (U.S. Publication No. 20020073211), in view of Wolff (U.S. Patent No. 6886035), as applied in claim 1 above, and further in view of Bass et al. (hereafter Bass) (U.S. Patent No. 6449576).

14. As per claim 4, Lin and Wolff teach the invention substantially as claimed in claim 1. Lin and Wolff did not specifically teach the access monitor is embodied as an application specific integrated circuit.

15. However, Bass teaches the access monitor is embodied as an application specific integrated circuit (col. 8, lines 50-52).

16. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Lin, Wolff and Bass because Bass teaching of the access monitor is embodied as an application specific integrated circuit would improve the integrity of Lin and Wolff's system by providing a systematic

and comprehensive IC assessment device which also includes network traffic monitoring capabilities (Bass, col. 1, lines 50-52).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wolff (U.S. Patent No. 6067545) teaches resource rebalancing in networked computer systems.

Wolff (U.S. Patent No. 6101508) teaches clustered file management for network resources.

Wolff (U.S. Patent No. 6185601) teaches dynamic load balancing and server computers.

Harrison et al. (U.S. Patent No. 5701482) teaches modular array processor architecture having a plurality of interconnected load-balanced parallel processing nodes.

Ferguson et al. (U.S. Patent No. 6789777) teaches filtering and route lookup in a switching device.

Peterson et al. (U.S. Patent No. 6549934) teaches a method for remote access to computer devices via client managed server buffers exclusively allocated to the client.


Abramson et al. (U.S. Patent No. 5269013) teaches memory management method for coupled memory multiprocessor systems.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-3774. The examiner can normally be reached on M-T 7AM- 4:30 PM, F 7AM- 3:30 PM.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer N To
Examiner
Art Unit 2195



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